

Hon. John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

KAREN D. SMITH,

Plaintiff,

vs.

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE BENEFIT OF THE
CERTIFICATEHOLDERS OF THE CWABS
INC., ASSET-BACKED CERTIFICATES,
SERIES 2007-SD1, and NEW PENN
FINANCIAL LLP, d/b/a SHELLPOINT
MORTGAGE SERVICING, LLC, MTC
FINANCIAL INC., DBA TRUSTEE CORPs,
and MALCOLM & CISNEROS, A LAW
CORPORATION,

Defendants.

Case No. 2:19-cv-00538-JCC

**FOURTH STIPULATED MOTION AND
[PROPOSED ORDER] TO EXTEND
TRIAL AND REMAINING CASE
DEADLINES**

NOTE ON MOTION CALENDAR:
JUNE 24, 2020

After meeting and conferring on June 14, 2021 to discuss extending the trial and the remaining case schedule deadlines pursuant to Local Civil Rules 7(d)(1), 10(g) and 16(b), Plaintiff Karen D. Smith ("Plaintiff"), Defendants The Bank of New York Mellon fka The Bank of New York, as Trustee for the Benefit of the Certificateholders of the CWABS Inc., Asset-Backed Certificates Series 2007-SDI ("BNYM"), NewRez LLC fka New Penn Financial, LLC dba Shellpoint Mortgage Servicing ("Shellpoint"), and MTC Financial, Inc. dba Trustee Corps ("MTC") hereby stipulate and agree to continue the pending pre-trial deadlines in the case schedule and Trial date as set by the Court's Order entered on April 12, 2021 (Dkt. No. 104).

FOURTH STIPULATED MOTION AND ORDER
TO EXTEND TRIAL AND REMAINING CASE
DEADLINES – 1
2:19-cv-00538-JCC

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This is the fourth extension of the case schedule requested by the parties. The parties believe this request is made with good cause for an extension of deadlines, trial and case schedule. Currently, given the ADR cutoff date of July 30, 2021, Plaintiff, Shellpoint, and BNYM have a mediation scheduled for July 8, 2021.

At this time, there remain several significant discovery issues pending for the regarding medical experts. Although Plaintiff provided her Expert Report on June 1, 2021, Plaintiff's medical expert has not yet provided his availability for a deposition by Defendants and since Defendants' current deadline to depose Plaintiff's expert is July 12, 2021, more time will be needed to complete that deposition.

In light of the foregoing, the parties now agree that the deadline for expert witness discovery should be continued by 30 days, to September 8, 2021, to allow time for depositions and that the dispositive motion deadline also be continued by 30 days to September 13, 2021. The parties further agree that the remaining pretrial deadlines and trial date be vacated and re-set. The parties have entered into this stipulation which reflects an agreement to mutually cooperate in the management of this action. Accordingly, the parties hereby stipulate and agree to extend the deadlines set forth in the Minute Order filed on April 12, 2021 (Dkt. No. 104) as follows:

<u>Case Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Trial	11/08/2021	2/07/2022
Proposed Voir Dire/Jury Instructions/Trial Briefs	11/04/2021	2/03/2022
Proposed Pretrial Order	10/29/2021	1/27/2022
LCR 16(e)		
Dispositive Motion Filing Deadline	8/12/2021	9/22/2021
LCR 39.1 ADR Deadline	7/30/2021	7/30/2021
Defendant's Pretrial Statement LCR 16(i)	7/27/2021	10/25/2021

Plaintiff's Pretrial Statement LCR 16(h)	7/16/2021	10/14/2021
Discovery Cutoff Re Expert Testimony		9/8/2021
Defendant's Disclosure of Expert Testimony Under FRCP 26(a)(2) due	7/7/2021	8/9/2021
Non-Expert Discovery Cutoff	7/12/2021	7/12/2021

Dated this 23rd day of June, 2021.

IT IS SO STIPULATED.

/s/ Arthur E. Ortiz

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19 of the Certificateholders of the CWABS Inc.,
20 Asset-Backed Certificates, Series 2007- SD1
21 and NewRez LLC dba Shellpoint Mortgage Servicing
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ORDER

IT IS SO ORDERED. Accordingly;

The trial date and case schedule deadlines are rescheduled as follows

<u>Case Event</u>	<u>Deadline</u>
Trial	2/07/2022
Proposed Voir Dire/Jury Instructions/Trial Briefs	2/03/2022
Proposed Pretrial Order LCR 16(e)	1/27/2022
Dispositive Motion Filing Deadline	9/22/2021
LCR 39.1 ADR Deadline	7/30/2021
Defendant's Pretrial Statement LCR 16(i)	10/25/2021
Plaintiff's Pretrial Statement LCR 16(h)	10/14/2021
Discovery Cutoff Re Expert Testimony	9/8/2021
Defendant's Disclosure of Expert Testimony Under FRCP 26(a)(2) due	8/9/2021
Non-Expert Discovery Cutoff	7/12/2021

The extension of the above discovery deadlines does not alter or modify any other rights or responsibilities of the Parties except as stated herein permitted by law or under the Federal Rules of Civil Procedure, or the Local Civil Rules.

Dated this ____ day of June, 2021.

The Honorable John C. Coughenour
District Court Judge

1
2 CONSENT TO ENTRY GRANTED:

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28 and NewRez LLC fka New Penn Financial, LLC
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10 fka The Bank of New York, as Trustee for the Benefit

11 of the Certificateholders of the CWABS Inc.,

12 Asset-Backed Certificates, Series 2007- SD1

13 and NewRez LLC dba Shellpoint Mortgage Servicing

CERTIFICATE OF SERVICE

I certify that I served the foregoing pleading on the following persons on June 24, 2021,
via service through the CM/ECF System:

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DATED: June 24, 2021.

/s/ Donald G. Grant
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